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Name: Commissioner of Patents

Art Unit: REFUND DEPARTMENT

Examiner: Latrice Sims

Phone:

From: D. Bruce Prout
Reg No. 20,958Re: Application No. 09/966,572
Filed September 25, 2001
Entitled POSITIVE ACTIVE MATERIAL FOR RECHARGEABLE LITHIUM
BATTERIES AND METHOD OF PREPARING SAMEFile: 47227/DBP/Y35

On the January 2004 Deposit Account Statement for 031728 (copy attached), matter 47227 (09/966572) was charged, on 1/12/04, \$110 for an extension of time. In reviewing the file we note that an amendment was filed on 12/29/03 in response to the September 25, 2003 office action. Please note that according to PTO rules, the amendment was timely filed. See the attached notice from the PTO. Therefore, it is requested that a credit of \$110 be issued for this matter. Thank you.

Adjustment date: 03/08/2004 SDIRETA1
01/12/2004 CGUEEN 00000003 031728 09966572
01 FC:1251 110.00 CR

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Deposit Account Statement

Requested Statement Month:

January 2004

Deposit Account Number:

031728

Name:

CHRISTIE PARKER & HALE

Attention:

BYRON C. HIBDON

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P.O. BOX 7068

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PASADENA

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CA

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91109-7068

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/02	77	10040932	39582/KMOW112	1806	✓ \$180.00	\$38,439.60
01/02	216	78201843	49664-JSA/C508	9204	✓ -\$100.00	\$38,539.60
01/02	361	78022210	47027/DRK/W433	7004	✓ \$150.00	\$38,389.60
01/02	372	09890480	65434766-37181/EAL1	8021	✓ \$40.00	\$38,349.60
01/05	6	10343412	41115/CAB/A599	2251	✓ \$55.00	\$38,294.60
01/05	132	1395716	51815-H362/SAH	8521	✓ \$40.00	\$38,254.60
01/05	133	1429118	51814-H362/SAH	8522	✓ \$25.00	\$38,229.60
01/05	142	78046135	41944/MM/K246	7004	✓ \$300.00	\$37,929.60
01/05	170	PCT/US03/41345	51724P/L471/RAG	1707	✓ \$520.00	\$37,409.60
01/05	181	1395716	51815-H362/SAH	8521	✓ \$40.00	\$37,369.60
01/05	182	1429118	51814-H362/SAH	8522	✓ \$25.00	\$37,344.60
01/06	1	09879752	45345/WPC/M237	1253	✓ \$950.00	\$36,394.60
01/06	41	10414863	44840/OB/L473	2202	✓ \$10.00	\$36,384.60
01/06	49	PCT/US03/18063	47998P/G468/EAL1	1604	✓ \$210.00	\$36,174.60
01/06	175	10286324	48903/THD/A599	8021	✓ \$40.00	\$36,134.60
01/06	410	78347905	51679/AWS/1146	7001	✓ \$335.00	\$35,799.60
01/07	74	60533861	51772/AW/V186	1005	✓ \$160.00	\$35,639.60
01/07	279	78348393	51776/MM/L517	7001	✓ \$335.00	\$35,304.60
01/07	286	78348395	50321/MM/P653	7001	✓ \$335.00	\$34,969.60
01/07	359	78348438	51586/MM/C620	7001	✓ \$335.00	\$34,634.60
01/08	13	09830269	42315/VGG/N74	8001	✓ \$30.00	\$34,604.60
01/08	523	78349062	51594/RJW/Z17	7001	✓ \$335.00	\$34,269.60
01/08	1180	76145221	42222/MM/S1020	7004	✓ \$150.00	\$34,119.60
01/09	108	10232050	48633/PAC/VG61	9204	✓ -\$36.00	\$34,155.60
01/09	410	75737919	42689/MM/P653	7004	✓ \$150.00	\$34,005.60
01/09	419	78349542	51743/MM/A678	7001	✓ \$335.00	\$33,670.60
01/09	468	78348561	51534/DBP/S307	7001	✓ \$335.00	\$33,335.60
01/12	4	09966572	47227/DBP/Y35	1251	✓ \$110.00	\$33,225.60

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/closure122603.html>

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In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Friday, December 26, 2003, the United States Patent and Trademark Office will consider Friday, December 26, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Friday, December 26, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, December 29, 2003.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Friday, December 26, 2003 (that is, as shown by a "date-in" of Friday, December 26, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. § 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Friday, December 26, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

Inquiries concerning this notice may be directed to Fred Silverberg by e-mail at fred.silverberg@uspto.gov or telephone at 703-305-8986.

Date: 12/22/2003

Signed: /s/

JAMES E. ROGAN

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

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